

REMARKS

Claims 85-100 are pending in this application. By this Amendment, claim 100 is amended. The amendment introduces no new matter. Claims 1-9, 11-17, 19-23, 26-37, 40-56, 59-84, 101 and 102 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action objects to the drawings under 37 C.F.R. §1.83(a). The cancellation of claim 33 obviates this objection. Withdrawal of the objection to the drawings is respectfully requested.

The Office Action rejects claim 33 under 35 U.S.C. §112, first paragraph. The cancellation of claim 33 renders this rejection moot.

The Office Action rejects claims 1-7, 9, 13, 68-76, 78, 81 and 110 under 35 U.S.C. §102(b) over U.S. Patent No. 3,441,033 to Flax; rejects claims 16, 17, 19-23, 26, 27, 30 and 100 under 35 U.S.C. §102(b) over JP-A-63-17031 (hereinafter "JP '031"); and rejects claims 1-9, 11-15, 28, 29, 31-37, 40-56, 59-84 and 101 over JP '031 in view of at least one of U.S. Patent No. 2,823,681 to Miller, U.S. Patent No. 5,992,427 to Playe and U.S. Patent No. 5,667,094 to Rapchak et al. (hereinafter "Rapchak"). The cancellation of claims 1-9, 11-17, 19-23, 26-37, 40-56, 59-84 and 101, and the amendment of claim 100 to depend on claim 85, render moot and/or obviate the above rejections.

Claims 85-99 are rejected under 35 U.S.C. §103(a) over JP '031 in view of Playe. This rejection is respectfully traversed.

Independent claim 85 recites, among other features, a receptacle body; and a closure cap configured to be removably fixed to the receptacle body, the closure cap comprising: at least two containers each containing a product or an applicator member, and configured in such a manner as to be superposable on a stacking axis; and at least one hinge enabling one of

the containers to be pivoted relative to the other(s), at least partially, about an axis of rotation that is not parallel to the stacking axis, each container defining a housing, the receptacle body being of a different shape than the containers. The asserted combination of JP '031 and Playe would not have rendered obvious such a combination of features.

For example, JP '031 comprises only two receptacles. In Playe, the device comprises a container 21 having a lid 23 on which an element 9 for taking up the product is accommodated in a support 1. Neither of JP '031 or Playe disclose a receptacle body with a closure cap comprising at least two containers, as recited in claim 85.

Moreover, neither JP '031 or Playe disclose a corresponding closure cap that is configured to be removably fixed to a receptacle body, the receptacle body being of a different shape than the containers. For example, the various views of the device of JP '031 do not suggest such a receptacle body to be removably fixed beneath the bottom containers 2A.

The embodiment shown in Fig. 3 of Playe discloses a support 1 separated from the lid 23 and positioned on the lid in a packaging unit 19 (see col. 4, lines 7-9 of Playe), without any corresponding hinges or other removably fixing means. The embodiment shown in Fig. 4 of Playe discloses a support, a lid and a container molded together so as to form only a single part (see col. 4, lines 10-13 of Playe). The support of this embodiment are thus, not removably fixed to the container, as would be understood by one of ordinary skill in the art.

Additionally, it would not have been obvious to add a container (1) on the support positioned on the lid of the Playe device because the support is configured for lodging an applicator, or (2) on a lid in JP '031 because the applicators are lodged in respective receptacles such as 6C.

As such, it would not have been obvious to one of ordinary skill in the art to combine JP '031 and Playe in a manner to arrive at the subject matter of claim 85.

For at least the above reasons, the applied references cannot reasonably be considered to have suggested the combination of features positively recited in claim 85. Additionally, claims 86-100 also would not have reasonably been suggested by the applied references for at least the respective dependence of these claims, directly or indirectly, on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 85-100 under 35 U.S.C. §103(a) as having been obvious over JP '031 in view of Playe are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 85-100 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition for Extension of Time

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